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WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

In re Application of
Balganesh et al.
Application No.: 09/355,296
PCT No.: PCT/SE99/00979
Int. Filing Date: 07 June 1999
Priority Date: 09 June 1998
Attorney Docket No.: 1103326-0576
For: RNA Polymerase Assay

DECISION

This is with regard to the Petition To Withdraw Holding Of Abandonment filed on 17 May 2005.

BACKGROUND

On 18 September 2001, a decision on a petition filed on 16 October 2000 was mailed to applicants, withdrawing the then-applicable holding of abandonment on the basis that both the 07 October 1999 Notification of Acceptance (Form PCT/DO/EO/903) and the 02 February 2000 "Notice To Comply..." were mailed in error. Consequently, both the 02 February 2000 Notice To Comply and the 02 October 2000 Notice of Abandonment were vacated.

On 17 March 2005, a Notice of Abandonment was mailed to applicants, indicating that this application had become abandoned for "failure to timely file a proper reply to the Office letter mailed on 2/2/00."

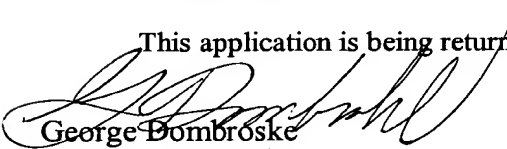
DISCUSSION

Petitioner states that "the outstanding Notice of Abandonment, like its predecessor, was issued in error and must be withdrawn." A review of the application reveals that the Notice To Comply... mailed on 02 February 2000 was vacated by the petition decision mailed on 18 September 2001. Therefore, the Notice of Abandonment mailed on 17 March 2005, which cites as the reason for abandonment applicants' alleged "failure to timely file a proper reply to the Office letter mailed on 2/2/00," was issued in error. Accordingly, the Notice of Abandonment mailed on 17 March 2005 is hereby VACATED.

CONCLUSION

The petition to withdraw the holding of abandonment is GRANTED.

This application is being returned to Technology Center 1645 for further proceedings.


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